

REMARKS

Claims 1-16 are pending in the present application. In this response, claims 1, 7, 9, and 16 have been amended. No claims have been cancelled or added. Support for the amendments made in claims 1 and 16 is found, among other places, in Fig. 1 and at page 5, lines 16-17 (“one-piece”), page 5, lines 13-15 (“to extend from the proximal end of the tubular member and the introducer and through the distal end of the tubular member”), page 5, line 18 (“beyond”), and page 5, lines 18-21 (“externally of the introducer”), of the specification as originally filed. Claims 7 and 9 have been amended for clarity and to improve claim form. No new matter is added. Accordingly, claims 1-16 are currently under consideration.

Amendment and cancellation of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented.

Claim Objections

A. The Office has objected to claim 7 for having the extra character “I” in line 3 of the claim. Claim 7 has been amended to remove the additional “I.”

Accordingly, withdrawal of the objection to claim 7 is respectfully requested.

B. The Office has objected to the clarity of claim 9. Specifically, the Office states that claim 8 recites “at least two introducers”, but claim 9 recites “a first introducer....a second introducer,” and it is unclear which of the at least two introducers is the first or second introducer.

Applicants have amended claim 9 as suggested by the Office to add, “wherein the at least two introducers comprises a first and a second introducer” after “in which.”

Accordingly, withdrawal of the objection to claim 9 is respectfully requested.

Claim Rejections – 35 USC § 102

Claims 1-3 and 8-15 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent 6,071,274 to Russell B. Thompson et al. (Thompson). Specifically, the Office Action states that Thompson discloses a catheter assembly that includes, among other claimed components, a distal end of the shape imparting element extending from the distal end of the tubular member (col. 14, lines 7-10) and being anchored proximally a distal end of the introducer (Fig. 15A, #143).'

Applicants strongly disagree that Thompson discloses such a structure. Claim 1 of the instant application recites that the shape imparting element is “*one-piece*,” and that “*a distal end of the shape-imparting element extend[s] beyond the distal end of the tubular member and being anchored proximally a distal end of the introducer and externally of the introducer.*”

Referring to column 13, lines 47-51 of Thompson, it is expressly stated that “the distal section 104 of the sheath 102 is joined to the distal end 108 of the multiple electrode structure by a short length of wire 106. The wire 106 is joined to the two ends 104 and 108, for example, by adhesive or thermal bonding.” Thus, Thompson discloses a separate structure, i.e., the wire 106, for joining the distal end of the sheath and the distal end of the introducer. Applicants submit that the wire 106 functions as a flexible wire joint (col. 14, line 25) and not a one-piece shape-imparting element.

In view of the above, it is respectfully submitted that Thompson does not disclose each and every feature of claim 1. Accordingly, withdrawal of the rejection of claim 1 under 35 U.S.C. §102(b), and claims 2, 3, and 8-15, which depend therefrom, is respectfully requested.

Claim Rejections – 35 USC § 103

Claims 4-7 and 16 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Thompson in view of U.S. Application 2001/0007070 to Mark T. Stewart et al. (Stewart). Specifically, the Office Action states that Thompson does not teach that the tubular

member does not form a cranked arm when it is extended from its introducer, nor the additional structures recited in claims 4-7 and 16, but that it would have been obvious to one of ordinary skill at the time of the invention to have included these features based on the disclosure of Stewart.

As indicated above, Thompson does not disclose the feature that a distal end of the shape-imparting element extends beyond a distal end of the tubular member and is anchored proximally a distal end of the introducer and externally of the introducer (as claimed in claim 1 of the present application). Stewart fails to cure this deficiency.

In view of the above, withdrawal of the rejection of claims 4-7 and 16 under 35 U.S.C. §103(a) respectfully requested.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Office is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Office is invited to telephone the undersigned at the number given below.

In the event the Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 559022000200. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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